

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN SENATE JUNE 22, 2006

AMENDED IN ASSEMBLY MAY 30, 2006

AMENDED IN ASSEMBLY APRIL 6, 2006

AMENDED IN ASSEMBLY MARCH 22, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 2005**

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**Introduced by Assembly Member Emmerson**  
**(Coauthors: Assembly Members Garcia, Haynes, Shirley Horton,**  
**Huff, Maze, Spitzer, and Strickland)**  
**(Coauthors: Senators Aanestad, Battin, and Harman)**

February 9, 2006

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An act to amend Section 6254.24 of the Government Code, relating to records.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2005, as amended, Emmerson. Public records: confidentiality.

(1) The California Public Records Act prohibits, among other things, and makes punishable as a misdemeanor or felony, as specified, a person who knowingly posts certain information as to an elected or appointed official on the Internet or that of the official's residing spouse or child knowing that person is an elected or appointed official and intending to cause imminent bodily harm to that individual. For this purpose, an elected or appointed official is variously defined and includes specified public safety officials, as separately defined.

This bill would add to the definition of a public safety official an employee of the Attorney General, a district attorney, ~~or~~ public defender, *the United States Attorney, or the Federal Public Defender* who submits verification from the Attorney General, district attorney, or public defender that the employee represents the Attorney General, district attorney, or public defender in matters that routinely place that employee in personal contact with persons under investigation for, charged with, or convicted of, committing criminal acts. This bill would also add to the definition of a public safety official *state and federal judges and court commissioners*, a nonsworn employee of the Department of Justice, or a police department or sheriff's office, with certain specified duties in the course of his or her employment. By expanding an existing crime, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 6254.24 of the Government Code is  
2 amended to read:  
3 6254.24. As used in this chapter, "public safety official"  
4 means the following:  
5 (a) An active or retired peace officer as defined in Sections  
6 830 and 830.1 of the Penal Code.  
7 (b) An active or retired public officer or other person listed in  
8 Sections 1808.2 and 1808.6 of the Vehicle Code.  
9 (c) An "elected or appointed official" as defined in subdivision  
10 (f) of Section 6254.21.  
11 (d) An attorney employed by the Department of Justice, the  
12 State Public Defender, or a county office of the district attorney  
13 or public defender, *the United States Attorney, or the Federal*  
14 *Public Defender.*

1 (e) A city attorney and an attorney who represent cities in  
2 criminal matters.

3 (f) A specified employee of the Department of Corrections and  
4 Rehabilitation who supervises inmates or is required to have a  
5 prisoner in his or her care or custody.

6 (g) A nonsworn employee who supervises inmates in a city  
7 police department, a county sheriff's office, the Department of  
8 the California Highway Patrol, federal, state, or a local detention  
9 facility, and a local juvenile hall, camp, ranch, or home.

10 (h) A federal prosecutor, a federal criminal investigator, and a  
11 National Park Service Ranger working in California.

12 (i) The surviving spouse or child of a peace officer defined in  
13 Section 830 of the Penal Code, if the peace officer died in the  
14 line of duty.

15 (j) *State and federal judges and court commissioners.*

16 ~~(j)~~

17 (k) An employee of the Attorney General, a district attorney,  
18 or a public defender who submits verification from the Attorney  
19 General, district attorney, or public defender that the employee  
20 represents the Attorney General, district attorney, or public  
21 defender in matters that routinely place that employee in personal  
22 contact with persons under investigation for, charged with, or  
23 convicted of, committing criminal acts.

24 ~~(k)~~

25 (l) A nonsworn employee of the Department of Justice or a  
26 police department or sheriff's office that, in the course of his or  
27 her employment, is responsible for collecting, documenting, and  
28 preserving physical evidence at crime scenes, testifying in court  
29 as an expert witness, and other technical duties, and a nonsworn  
30 employee that, in the course of his or her employment, performs  
31 a variety of standardized and advanced laboratory procedures in  
32 the examination of physical crime evidence, determines their  
33 results, and provides expert testimony in court.

34 SEC. 2. No reimbursement is required by this act pursuant to  
35 Section 6 of Article XIII B of the California Constitution because  
36 the only costs that may be incurred by a local agency or school  
37 district will be incurred because this act creates a new crime or  
38 infraction, eliminates a crime or infraction, or changes the  
39 penalty for a crime or infraction, within the meaning of Section  
40 17556 of the Government Code, or changes the definition of a

- 1 crime within the meaning of Section 6 of Article XIII B of the
- 2 California Constitution.

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